

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amendments are provided as suggested by the Examiner.

Claims 1–20, 24–32, and 35–42, remain in this application. Claims 21–23, 33–34, and 43 have been canceled. New claim 44 has been added to replace canceled claim 43. New claim 45 has been added depending on new claim 44.

Claims 1-20, 24-30, and 43 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Independent claims 1, and 27 have been amended as suggested by the Examiner, and claim 43 has been canceled, making the rejections moot.

Claims 36-37 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 36 has been amended, making the rejections moot.

Claim 35 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 35 has been amended, making the rejection moot.

Claims 1-20, 24-33, and 35-43 were rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps. Applicant traverses that any essential steps were omitted, and the Examiner has provided no argument as to why any steps are considered essential. Accordingly, the rejection of these claims for lacking an essential step is improper, and should be withdrawn.

Nevertheless, the language discussing an insertion of an inflatable core in some of these claims has been clarified, and claims 27, 36, and 38 have been amended to recite a step of assembling, making the rejection of those claims moot.

However, claims 1, 31, and 35 have not been amended to include any step of assembling, because those claims do not explicitly recite that any components of the preform are discrete, and thus the invention recited by each of those claims does not necessarily require any step of assembly. There is nothing in claims 1, 31, and 35 (among others), or the specification, that precludes a one-piece preform, not necessarily having assembly step, from being utilized for an embodiment of the invention (note that not all embodiments of the invention need be explicitly disclosed, and nowhere has the Examiner identified any teaching that assembly is an essential step). Thus, for these claims, the rejection should be withdrawn.

Claims 31-32 and 35-37 were rejected under 35 U.S.C. §112, second paragraph, for the use of particular language. The claims have been amended to clarify the claim language, making the rejections moot.

Claims 36-37 were previously rejected under 35 U.S.C. §103(a) as being unpatentable over Murphy in view of Wiltshire (U.S. 4,101,254). For the following reasons, those rejections are respectfully traversed.

The current application (Serial Number 10/074,449) and the Murphy patent (U.S. Pat. No. 6,171,423) were, at the time the invention was made, both owned by Essef Corporation, a corporation of Ohio. Thus, Murphy and the application were (and are) co-owned. Murphy is a 35 U.S.C. §102(e) prior art reference, because it was not patented prior to the instant invention (and thus not prior art under §102(a)--see declaration for assertion of prior inventorship, included with this response). Furthermore, Murphy was not published or patented more than one year prior to the filing date of the priority document of this instant application (and thus Murphy not prior art under §102(b)). Consequently, under 35 U.S.C. §103(c), Murphy cannot be used to support a rejection for obviousness, and hence the rejection cannot stand and thus claim 36 is patentable over the references.

Claim 37 depends on claim 36, and thus is patentable over the references for at least the same reasons. New claim 44 is similarly situated as claim 36, and thus is also patentable over the references.

The remaining claims depend, directly or indirectly, upon an allowable parent claim, and thus are patentable for at least that reason.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32285.

Respectfully submitted,
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